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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,623	07/13/2001	Stuart Asawaka	10011919-1	3732

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/905,623	Applicant(s) ASAWAKA, STUART	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on August 22, 2003.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4, 9-12, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Farros et al (US 5,930,810).

Farros teaches a printing system providing an easy to user Graphical User Interface which includes push-buttons displayed on the visual display which may be selected by the user to navigate from one part of the printing system to another, to change the sizes of forms, change fonts, colors and other attributes of forms. Upon selection of the appropriate options to modify the selected form, the user may transmit a print order to the remote printing facility. Upon selection of the appropriate products the user may print the selected and modified product using the local printer, which serves as a printer having a plurality of resources (col 2, lines 60+). The selection of the appropriate products serves as a resource request. Farros also teaches that a production system located at the printing facility decrypts and expands the received files to the extent necessary and controls the routing, printing and shipping of the received order, as well as the necessary billing, including obtaining credit card authorization (col 5, lines 33-40). The

Art Unit: 2876

production system serves as all printer control, print job control and transaction control. Credit card authorization is preferably obtained via the printing facility which receives the user's credit card information in the print order and obtains the necessary authorization from an authorization facility (col 11, lines 28-33). The period it take to access the resources is considered to be the period of allowed right of access to the at least one of the plurality of printer resource. If a resource selection is made as taught above, then the process is considered to an incident of use for the at least one of plurality of printer resources. Farros also teaches that once the user reaches the change screen, other products belonging to the same coordinated set of selected product may be viewed and changed. For example, the "change or remove graphic/logo" block 722 allows the selection of a new logo or the deletion of an existing logo on the layout (col 8, lines 54+). This process serves a request to remove the at least one of plurality of printer resources from the second set and place the at least one of plurality of printer resources in the first set.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farros et al in view of Pierce (US 6,202,057). The teachings of Farros have been discussed above.

Farros fails to teach that the printer initiates the payment transaction.

Pierce teaches that the printer module initiates a transaction by sending a request for evidence of payment and receives evidence of payment for subsequent printing, which shows a transaction control (col 4, lines 1-9).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Pierce to the teachings of Farros such that the printer can request the user the appropriate charge for the use of the printer according to the resources and number of pages the user printed from the printer, and such modification provides a more accurate charge because the payment initiation is done in the printer and not elsewhere.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farros as modified by Pierce as applied to claim 2 above, and further in view of Narukawa (US 6,281,978). The teachings of Farros as modified by Pierce have been discussed above.

Farros as modified by Pierce fail to teach that the printer includes a consumable element, the consumable element including a processing element initiating the payment transaction.

Narukawa teaches an image processing device which is capable of high-speed processing of high-resolution image data by using printer control section composed of a printer head control portion having a first CPU for modulating beams in accordance with image data (col 1 lines 47-52).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Narukawa to the teachings of Farros as modified by Pierce and include a consumable element (printer head) and the consumable element including a processing element (an image processing device) in order to provide a high-resolution image data to obtain a good quality and customized printing.

6. Claim 5, 6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farros in view of Hayashi et al (US 6,375,297). The teachings of Farros have been discussed above.

Farros fail to teach that the selected at least one printer resource comprises a selected printer resolution and a selected printer throughput speed.

Hayashi teaches that the instruction receiving section 11 drives the print controller 1 as the information processor before printing commences and in turn the print controller 1 drives its display device to display a selection screen, which contain options of sizes and sorts of printing media, print quality modes (normal mode/high resolution mode), printing speed (moving velocity of the recording head), and others. The selection screen is presented to a printer operator or user for selection of his or her desired options (col 7, lines 50-58).

Therefore, it would have been obvious to an artisan ordinary skill in the art at the time the invention was made to integrate the teachings of Hayashi to the teachings of Farros in order to produce a more precise and graphically enhanced printing job in a fast manner, which increases the users or customer's satisfaction.

7. Claim 7, 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farros in view of Nocker (US 6,236,486).

Farros fail to teach that the selected at least one printer resource comprises access to a selected communication channel and the selected communication channel comprises at least one of an IR link and a network link.

Nocker teaches that an optical communication channel is established so that data files and commands may be sent from the data-collection computer 10 directly to the printer 20.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Nocker to the teachings of Farros and provide a communication channel comprising a network link in order to remotely print desired information by sending the information directly to the printer, which make the process faster.

8. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farros in view of Freeman (US 6,134,557). The teachings of Farros have been discussed above.

Farros fails to teach that the transaction control generates a use report for delivery to a resource vendor.

Freeman teaches printing a material supply list and transferring the generated list(s) to the vendor/merchant (col 2, lines 19-20).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Freeman to the teachings of Farros in order to inform the vendor which resources have been added to the printing so that the vendor can determined the appropriate charge and can analyze the type of resources that the consumers are demanding for, which leads to better business and accurate analysis.

9. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farros as applied to claim 1, 9 and 19 above, and further in view of Maekawa (US 5,386,271). The teachings of Farros have been discussed above.

Farros fail to teach that the payment transaction includes a charge calculated as a function of the resource request.

Maekawa teaches that a bill is printed out and that the printer is activated and an amount of charge asked which is calculated on the basis of a count value of total counter and a predetermined expression is printed out (col 12, lines 42-47).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Maekawa to the teachings of Farros in order for the printer to request the user the appropriate charge for the use of the printer according to the resources and number of pages the user printed from the printer, and such modification provides a more accurate charge and details of the use of the printer.

Response to Arguments

10. Applicant's arguments with respect to claims 2-3, 13, 14 and 20 have been considered but are moot in view of the new ground(s) of rejection. The examiner has found new art that she believes is more appropriate to the present claimed invention. See above 35 USC 102 and 103 for rejections.

In the arguments regarding claims 1, 4, 9-12, 15 and 19, the Applicant argues that the present application includes printer operational or functional features, and that Farros do not represent function of operation aspects of a printer. However, the examiner notes that in the independent claims 1, 9 and 19 do not claim printer operational or functional features of a printer. Claims 1, 9 and 19 utilizes the phrase "printer resources," which does not specifically mean a printer operational or functional features of a printer. With the broadest interpretation taken by the examiner, the examiner believes that the "printer resources" includes such features

Art Unit: 2876

form sizes, fonts or color, which is disclosed in the Farros reference. Therefore, the Farros reference still reads on the instant claims.

In the arguments regarding claims 5-8 and 16-18, the Applicant argues that the "claimed invention, however, relates use or right of use of such levels of operational performance and/or channels of communication and payment calculated as a function thereof." As mentioned in the above rejections, Farros teaches a credit card authorization for ordering and transmitting the print request. Farros even further discloses that the credit card authorization may be done with the printing system directly (col 11, lines 32-33). Such disclosure is considered to be a request for at least one of use and a right of use of the printer resources. Unless the Applicant further defines the meaning of "use" or "right of use," the examiner believes that the Farros reference still meet the instant claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Enomoto et al., U.S. Patent No. 5,974,401, discloses a digital print order and delivery method and system.

Shiota et al., U.S. Patent No. 6,324,521, discloses a network photograph service system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

Application/Control Number: 09/905,623

Page 9

Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Kumiko C. Koyama
December 01, 2003



DIANE I. LEE
PRIMARY EXAMINER